

REMARKS

Responsive to the Official Action mailed July 2, 2007, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1, 3-7 and 12 in view of the above amendments and following remarks.

Applicant submits that every effort has been made to bring the present application into condition for allowance.

With respect to the Examiner's comments, the Examiner rejected claims 1, 3-7, and 10-12 under 35 U.S.C. 102 as being anticipated by Nishizawa et al. (US 6,551,671 B1). The Examiner states that Nishizawa discloses an in-mold label comprising a base layer and a printed matter provided on the base layer, wherein the base layer comprises a core layer, a surface or front layer on the printing side of the base layer, and a back layer on the side opposite the surface layer (Fig. 2). The Examiner states that the core layer is equivalent to the claimed substrate. The Examiner explains that even though the surface layer is part of the base layer, it is a layer between the core layer and the printed matter, thus it is equivalent to the claimed first down coat layer. The Examiner states that the base layer comprises a thermoplastic resin microporous film having a molecular weight of 10,000 to 500,000 (col. 3, line 6). The Examiner states that the thermoplastic resin can be polyethylene terephthalate.

The Examiner also states that Applicant's argument that the core layer is not equivalent to the claimed substrate is not persuasive because the core layer of the prior art is a porous thermoplastic layer, thus the core layer is equivalent to the claimed substrate.

The Examiner also stated that the Applicant's argument that the resin composition to form the surface layer is not equivalent to the composition to make the first down coat is not persuasive because the film-forming resin used as the material to form the base layer of the prior art is not limited to polyethylene, the resin can also be polyethylene terephthalate (col. 2, line 63) which is equivalent to the claimed polyester film forming resin.

The Applicant submits that Nishizawa et al. does not anticipate every element of independent claim 1 as amended. Nishizawa does not teach or suggest a first down coat which seals the microporous sheet substrate and an ink-printed media graphic printed on the first down

coat of film-forming polymer, the first down coat protecting the quality of the ink-printed graphic. Nishizawa, in fact, could not teach that the sealable resin layer protects the printed graphic because the sealable resin layer used in Nishizawa to seal the microporous substrate is layered on the opposite side of the core/substrate as the printed graphic. FIG. 2 of Nishizawa shows that the heat sealable resin layer is on the opposite side of the base layer than the printed graphic.

The Examiner also likens the surface layer B, shown in FIG. 2 of Nishizawa, to that of the present invention's first-down coat. However, nothing in Nishizawa suggests or teaches that the composition of the surface layer of Nishizawa possesses the microporous web-sealing ability and water resistance of the present invention's first-down layer, nor does Nishizawa teach or suggest that either the surface layer or the heat sealable resin, as shown in Nishizawa FIG. 2, protects the quality of the ink-printed graphic.

One of the novel aspects of the present invention is that no overcoat is need to protect the ink-printed graphic because the first down layer protects the ink-printed graphic. Nishizawa does not teach or suggest this novel aspect. Therefore, the Applicant respectfully submits that Nishizawa does not anticipate all of the elements of the present invention.

In conclusion, the Applicant respectfully requests that the Examiner remove his rejections; the Applicant submits that claims 1, 3-7, and 12 as amended above are in condition for allowance and earnestly solicits early indication of same. Claims 10-11 have been cancelled.

Applicant believes that no fee is due in connection with the present Amendment F. The Commissioner is, however, authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2035.

Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, she is respectfully requested to contact the undersigned.

Respectfully submitted,



By _____
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